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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Mieher, et al.

Attorney Docket No.: KLA1P117/P1151

Application No.: 10/729,838

Examiner: Unassigned

Filed: December 5, 2003

Group: 2877

Title: APPARATUS AND METHODS FOR  
DETECTING OVERLAY ERRORS USING  
SCATTEROMETRY

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on August 13, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: \_\_\_\_\_

*Natalie Morgan*  
Natalie Morgan

**INFORMATION DISCLOSURE STATEMENT  
37 CFR §§1.56 AND 1.97(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The references listed in the attached PTO Form 1449 copies of which are enclosed, may be material to the examination of the above-identified patent application. These references were cited in a corresponding EPC application. A copy of the European Search Report which was dated May 26, 2004 is enclosed herewith as well. These references are submitted in compliance with the applicant's duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. Accordingly, the Examiner is requested to make these citations official record in this application.

This Information Disclosure Statement is not to be construed as a representation that additional information (material to the examination of this application) does not exist or that the enclosed reference(s) constitute prior art.

**Statement under 37 CFR § 1.97(e)**

The undersigned hereby states that the references enclosed herewith were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. (37 CFR 1.97(e)(1))

Accordingly, it is respectfully submitted that no fee is due in conjunction with the filing of this IDS. However, should the Commissioner determine that additional fees are required for

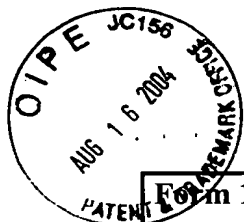
filing the present Information Disclosure Statement, the Commissioner is hereby authorized to charge any such fees to our deposit account number 500388 (Order No. KLA1P117)

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read 'Mary Ramos Olynick', with a stylized, flowing script.

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<b>Form 1449 (Modified)</b>  <b>Information Disclosure Statement By Applicant</b>  (Use Several Sheets if Necessary)	Atty Docket No. KLA1P117/P1151 Applicant: Mieher, et al. Filing Date December 5, 2003	Application No.: 10/729,838  Group 2877
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#### U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	A	6,350,548 B1	02/26/02	Leidy, et al.	430	22	03/15/00
	B	5,712,707	01/27/98	Ausschnitt, et al.	356	401	11/20/95
	C	4,757,207	07/12/88	Chappelow, et al.	250	491.1	03/03/87
	D	US 2003/0223630A1	12/4/03	Adel, et al.	382	145	02/13/03
	E	US2003/0156276A1	08/21/03	Bowes	356	124	02/20/02
	F						
	G						
	H						
	I						

#### Foreign Patent or Published Foreign Patent Application

Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-class	Translation	
							Yes	No
	J	WO02/084213A1	24.10.2002	WIPO	G01B	11/00	X	
	K	WO02/65545A2	22.08.2002	WIPO	H01L	21/66	X	
	L	WO02/069390A2	06.09.2002	WIPO	H01L	21/66	X	
	M							
	N							

#### Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
	O	
	P	
	Q	
Examiner		Date Considered

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.